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OFFICE OF PETITIONS

In re Application of :
Frank PUTTKAMMER :
Application No. 09/485,750 : DECISION ON PETITION
Filed: February 14, 2000 :
Attorney Docket No. :
HENN0013UPCT-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Restriction requirement mailed May 31, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 01, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of \$750.00, and (3) a statement of unintentional delay. Accordingly, the reply to the restriction requirement of May 31, 2006 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule note, 62 Fed. Reg. 53131, 53178 (October 10, 1997),

1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

A revocation of power of attorney by the assignee was filed December 08, 2005. The revocation is not acceptable because the statement under 37 CFR 3.73(b) did not include a statement specifying where documentary evidence of a chain title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

A revocation of power of attorney by the assignee was accepted in the letter mailed December 12, 2006. Correspondence in this application will be mailed to the new address of record provided by 37 CFR 1.33.

Telephone inquiries concerning this decision should be directed to Thuy Pardo at (571) 272-6052 or in her absence, the undersigned at (571)272-7099.

This application is being referred to Technology Center AU 2876 for appropriate action by the Examiner in the normal course of business on the reply received



for David A. Bucci
Petitions Examiner
Office of Petitions